

REMARKS/ARGUMENTS

This Reply is responsive to the Office Action mailed to counsel for Applicants on February 2, 2004. Claims 1-37 are pending in this Application. Claims 1-10 stand rejected and claims 11-35 are allowed. Claim 1 has been amended and dependent claims 36-37 have been added. Applicants respectfully request reconsideration of this Application based on the foregoing amendments and the following remarks. No new matter has been added by this reply, and Applicants submit that claims 1-10 and 36-37 are in a condition for allowance.

Claim Rejections – 35 U.S.C. § 102(e)

Claim 1 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Pat. No. 6,409,085 (Gu). Without conceding the propriety of the same, Claim 1 now recites that the transmitted light scan strikes the target “at an angle of incidence of substantially 9 degrees or less.” Applicants respectfully submit that neither Gu nor any of the other prior art of record teach, disclose, or suggest the subject matter covered in Claim 1 as amended. Accordingly, Claim 1 is now in condition for allowance.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 2-10 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious to one ordinarily skilled in the art at the time over Gu in view of other cited references. Because Claims 2-10 depend on Claim 1, and Claim 1 as amended is patentable over the prior art, so too are Claims 2-10 and the rejections under §103(a) cannot stand.

New Claims

New Claims 36 and 37 depend on and further narrow the subject matter covered by Claim 1 as amended. Accordingly, because Claim 1 as amended defines patentable subject matter, so too do new Claims 36 and 37.

Other Matters

Applicants wish to note that in the Listing of Claims of the last Reply (dated October 10, 2003), Applicants unintentionally and without any deceptive intent neglected to indicate that Claims 19 and 30 had been previously amended. Applicants believe that the current

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status of each claim in this Application is correctly identified in the Listing of Claims included with this Reply.

Conclusion

Applicants respectfully submit that the pending rejections should be withdrawn and that all of the claims in this Application are in a condition for allowance.

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